IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

AVIS RENT A CAR SYSTEM, et al., :

Plaintiffs,

vs. : Case No. 3:12cv399

CITY OF DAYTON, OHIO, : JUDGE WALTER H. RICE

Defendant.

ENTERPRISE RAC COMPANY OF CINCINNATI, LLC dba ENTERPRISE RENT-A-CAR, et al. :

Plaintiffs, :

vs. Case No. 3:12cv405

:

CITY OF DAYTON, OHIO, JUDGE WALTER H. RICE

:

Defendant.

ENTRY JOURNALIZING RESULTS OF TELEPHONE CONFERENCE CALL OF FEBRUARY 19, 2013; ENTRY OF CONSOLIDATION OF HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUCTION WITH MERITS OF LITIGATION, PURSUANT TO FED. R. CIV. P. 65(a)(2)

The captioned cause came on to be heard upon a scheduling conference on Tuesday, February 19, 2013. During said conference, the following matters were discussed and agreed upon:

1. Upon the suggestion of the Court, with no objections by counsel, the oral and

evidentiary hearing on the Plaintiffs' request for preliminary injunctive relief is consolidated with trial upon the merits of this litigation, pursuant to Fed. R. Civ. P. 65(a)(2). The date for the hearing on the merits, together with relevant dates leading to same, will be set forth by separate Entry.

2. Mr. Slaybaugh was to make himself available for a Rule 30(b)(6) deposition on Friday, February 22, 2013.

3. Counsel anticipate no scheduling issues with regard to the lay witnesses, save and excepting two. One is the Lynn Leibowitz deposition, for which counsel dispute whether Ms. Leibowitz is required to furnish an expert report. That matter was to be fully briefed within fourteen days from February 19th. Said briefing has been accomplished, and the Court will render a decision as quickly as is practicable from this point. The other lay witness for which a problem might exist is Beth Vincent, who has recently given birth to a child who may need certain follow-up medical treatment. She has taken eight weeks of FMLA leave, but may need to extend that, dependent upon the condition of her child. The Defendant's counsel has represented that they would make Ms. Vincent available prior to the time set for trial upon the merits. If at all possible, said deposition will take place around and about the middle of the month of May.

4. Two other motions were deemed pending, a Motion to Quash the deposition of Susan Beck filed by the Defendant (Doc. #23) and the City's Motion to Compel (Doc. #24). A memorandum contra the Motion to Quash was to be filed by the close of business on March 1st; memorandum contra the Motion to Compel by close of business on March 8th. Reply memoranda were to be filed on March 11th and March 18th, respectively.

5. Prior to the end of the conference call, a provisional date for hearing on the merits was set for July 22, 2013.

April 10, 2013

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record